



Rep. Barbara Wheeler

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1 AMENDMENT TO HOUSE BILL 8

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 8, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Human Rights Act is amended by  
6 changing Sections 1-103 and 2-102 as follows:

7 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

8 Sec. 1-103. General Definitions. When used in this Act,  
9 unless the context requires otherwise, the term:

10 (A) Age. "Age" means the chronological age of a person who  
11 is at least 40 years old, except with regard to any practice  
12 described in Section 2-102, insofar as that practice concerns  
13 training or apprenticeship programs. In the case of training or  
14 apprenticeship programs, for the purposes of Section 2-102,  
15 "age" means the chronological age of a person who is 18 but not  
16 yet 40 years old.

1 (B) Aggrieved Party. "Aggrieved party" means a person who  
2 is alleged or proved to have been injured by a civil rights  
3 violation or believes he or she will be injured by a civil  
4 rights violation under Article 3 that is about to occur.

5 (C) Charge. "Charge" means an allegation filed with the  
6 Department by an aggrieved party or initiated by the Department  
7 under its authority.

8 (D) Civil Rights Violation. "Civil rights violation"  
9 includes and shall be limited to only those specific acts set  
10 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
11 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,  
12 6-101, and 6-102 of this Act.

13 (E) Commission. "Commission" means the Human Rights  
14 Commission created by this Act.

15 (F) Complaint. "Complaint" means the formal pleading filed  
16 by the Department with the Commission following an  
17 investigation and finding of substantial evidence of a civil  
18 rights violation.

19 (G) Complainant. "Complainant" means a person including  
20 the Department who files a charge of civil rights violation  
21 with the Department or the Commission.

22 (H) Department. "Department" means the Department of Human  
23 Rights created by this Act.

24 (I) Disability. "Disability" means a determinable physical  
25 or mental characteristic of a person, including, but not  
26 limited to, a determinable physical characteristic which

1 necessitates the person's use of a guide, hearing or support  
2 dog, the history of such characteristic, or the perception of  
3 such characteristic by the person complained against, which may  
4 result from disease, injury, congenital condition of birth or  
5 functional disorder and which characteristic:

6 (1) For purposes of Article 2 is unrelated to the  
7 person's ability to perform the duties of a particular job  
8 or position and, pursuant to Section 2-104 of this Act, a  
9 person's illegal use of drugs or alcohol is not a  
10 disability;

11 (1.5) For purposes of Article 2, includes restrictions  
12 caused by pregnancy, childbirth, or related medical  
13 conditions;

14 (2) For purposes of Article 3, is unrelated to the  
15 person's ability to acquire, rent or maintain a housing  
16 accommodation;

17 (3) For purposes of Article 4, is unrelated to a  
18 person's ability to repay;

19 (4) For purposes of Article 5, is unrelated to a  
20 person's ability to utilize and benefit from a place of  
21 public accommodation;

22 (5) For purposes of Article 5, also includes any  
23 mental, psychological, or developmental disability,  
24 including autism spectrum disorders.

25 (J) Marital Status. "Marital status" means the legal status  
26 of being married, single, separated, divorced or widowed.

1           (J-1) Military Status. "Military status" means a person's  
2 status on active duty in or status as a veteran of the armed  
3 forces of the United States, status as a current member or  
4 veteran of any reserve component of the armed forces of the  
5 United States, including the United States Army Reserve, United  
6 States Marine Corps Reserve, United States Navy Reserve, United  
7 States Air Force Reserve, and United States Coast Guard  
8 Reserve, or status as a current member or veteran of the  
9 Illinois Army National Guard or Illinois Air National Guard.

10           (K) National Origin. "National origin" means the place in  
11 which a person or one of his or her ancestors was born.

12           (K-5) "Order of protection status" means a person's status  
13 as being a person protected under an order of protection issued  
14 pursuant to the Illinois Domestic Violence Act of 1986 or an  
15 order of protection issued by a court of another state.

16           (L) Person. "Person" includes one or more individuals,  
17 partnerships, associations or organizations, labor  
18 organizations, labor unions, joint apprenticeship committees,  
19 or union labor associations, corporations, the State of  
20 Illinois and its instrumentalities, political subdivisions,  
21 units of local government, legal representatives, trustees in  
22 bankruptcy or receivers.

23           (M) Public Contract. "Public contract" includes every  
24 contract to which the State, any of its political subdivisions  
25 or any municipal corporation is a party.

26           (N) Religion. "Religion" includes all aspects of religious

1 observance and practice, as well as belief, except that with  
2 respect to employers, for the purposes of Article 2, "religion"  
3 has the meaning ascribed to it in paragraph (F) of Section  
4 2-101.

5 (O) Sex. "Sex" means the status of being male or female.

6 (O-1) Sexual orientation. "Sexual orientation" means  
7 actual or perceived heterosexuality, homosexuality,  
8 bisexuality, or gender-related identity, whether or not  
9 traditionally associated with the person's designated sex at  
10 birth. "Sexual orientation" does not include a physical or  
11 sexual attraction to a minor by an adult.

12 (P) Unfavorable Military Discharge. "Unfavorable military  
13 discharge" includes discharges from the Armed Forces of the  
14 United States, their Reserve components or any National Guard  
15 or Naval Militia which are classified as RE-3 or the equivalent  
16 thereof, but does not include those characterized as RE-4 or  
17 "Dishonorable".

18 (Q) Unlawful Discrimination. "Unlawful discrimination"  
19 means discrimination against a person because of his or her  
20 race, color, religion, national origin, ancestry, age, sex,  
21 marital status, order of protection status, disability,  
22 military status, sexual orientation, or unfavorable discharge  
23 from military service as those terms are defined in this  
24 Section.

25 (Source: P.A. 96-328, eff. 8-11-09; 96-447, eff. 1-1-10;  
26 97-410, eff. 1-1-12; 97-813, eff. 7-13-12.)

1 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

2 Sec. 2-102. Civil Rights Violations - Employment. It is a  
3 civil rights violation:

4 (A) Employers. For any employer to refuse to hire, to  
5 segregate, or to act with respect to recruitment, hiring,  
6 promotion, renewal of employment, selection for training or  
7 apprenticeship, discharge, discipline, tenure or terms,  
8 privileges or conditions of employment on the basis of unlawful  
9 discrimination or citizenship status.

10 (A-5) Language. For an employer to impose a restriction  
11 that has the effect of prohibiting a language from being spoken  
12 by an employee in communications that are unrelated to the  
13 employee's duties.

14 For the purposes of this subdivision (A-5), "language"  
15 means a person's native tongue, such as Polish, Spanish, or  
16 Chinese. "Language" does not include such things as slang,  
17 jargon, profanity, or vulgarity.

18 (B) Employment Agency. For any employment agency to fail or  
19 refuse to classify properly, accept applications and register  
20 for employment referral or apprenticeship referral, refer for  
21 employment, or refer for apprenticeship on the basis of  
22 unlawful discrimination or citizenship status or to accept from  
23 any person any job order, requisition or request for referral  
24 of applicants for employment or apprenticeship which makes or  
25 has the effect of making unlawful discrimination or

1 discrimination on the basis of citizenship status a condition  
2 of referral.

3 (C) Labor Organization. For any labor organization to  
4 limit, segregate or classify its membership, or to limit  
5 employment opportunities, selection and training for  
6 apprenticeship in any trade or craft, or otherwise to take, or  
7 fail to take, any action which affects adversely any person's  
8 status as an employee or as an applicant for employment or as  
9 an apprentice, or as an applicant for apprenticeships, or  
10 wages, tenure, hours of employment or apprenticeship  
11 conditions on the basis of unlawful discrimination or  
12 citizenship status.

13 (D) Sexual Harassment. For any employer, employee, agent of  
14 any employer, employment agency or labor organization to engage  
15 in sexual harassment; provided, that an employer shall be  
16 responsible for sexual harassment of the employer's employees  
17 by nonemployees or nonmanagerial and nonsupervisory employees  
18 only if the employer becomes aware of the conduct and fails to  
19 take reasonable corrective measures.

20 (E) Public Employers. For any public employer to refuse to  
21 permit a public employee under its jurisdiction who takes time  
22 off from work in order to practice his or her religious beliefs  
23 to engage in work, during hours other than such employee's  
24 regular working hours, consistent with the operational needs of  
25 the employer and in order to compensate for work time lost for  
26 such religious reasons. Any employee who elects such deferred

1 work shall be compensated at the wage rate which he or she  
2 would have earned during the originally scheduled work period.  
3 The employer may require that an employee who plans to take  
4 time off from work in order to practice his or her religious  
5 beliefs provide the employer with a notice of his or her  
6 intention to be absent from work not exceeding 5 days prior to  
7 the date of absence.

8 (F) Training and Apprenticeship Programs. For any  
9 employer, employment agency or labor organization to  
10 discriminate against a person on the basis of age in the  
11 selection, referral for or conduct of apprenticeship or  
12 training programs.

13 (G) Immigration-Related Practices.

14 (1) for an employer to request for purposes of  
15 satisfying the requirements of Section 1324a(b) of Title 8  
16 of the United States Code, as now or hereafter amended,  
17 more or different documents than are required under such  
18 Section or to refuse to honor documents tendered that on  
19 their face reasonably appear to be genuine; or

20 (2) for an employer participating in the E-Verify  
21 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot  
22 Programs for Employment Eligibility Confirmation (enacted  
23 by PL 104-208, div. C title IV, subtitle A) to refuse to  
24 hire, to segregate, or to act with respect to recruitment,  
25 hiring, promotion, renewal of employment, selection for  
26 training or apprenticeship, discharge, discipline, tenure

1 or terms, privileges or conditions of employment without  
2 following the procedures under the E-Verify Program.

3 (H) Pregnancy; peace officers and fire fighters. For a  
4 public employer to refuse to temporarily transfer a pregnant  
5 female peace officer or pregnant female fire fighter to a less  
6 strenuous or hazardous position for the duration of her  
7 pregnancy if she so requests, with the advice of her physician,  
8 where that transfer can be reasonably accommodated. For the  
9 purposes of this subdivision (H), "peace officer" and "fire  
10 fighter" have the meanings ascribed to those terms in Section 3  
11 of the Illinois Public Labor Relations Act.

12 It is not a civil rights violation for an employer to take  
13 any action that is required by Section 1324a of Title 8 of the  
14 United States Code, as now or hereafter amended.

15 (I) Pregnancy. For an employer to refuse to hire, to  
16 segregate, or to act with respect to recruitment, hiring,  
17 promotion, renewal of employment, selection for training or  
18 apprenticeship, discharge, discipline, tenure or terms,  
19 privileges or conditions of employment on the basis of  
20 pregnancy, childbirth, or related medical conditions. Women  
21 restricted ~~affected~~ by pregnancy, childbirth, or related  
22 medical conditions shall be treated the same for all  
23 employment-related purposes, including receipt of benefits  
24 under fringe benefit programs, as other persons with  
25 disabilities who are similarly situated ~~not so affected but~~  
26 ~~similar in their ability or inability to work.~~

1 (Source: P.A. 97-596, eff. 8-26-11; 98-212, eff. 8-9-13.)".